

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on February 21, 2006 in Room 313-S of the Capitol.

All members were present except:

Representative Michael Peterson

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research

Jill Wolters, Office of Revisor of Statutes

Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Lee Woodard, Sedgwick County Law Center

Jim Clark, Kansas Bar Association

Pete Bodyk, Kansas Department of Transportation, Bureau Chief of Traffic Safety

Frank Henderson, Crime Victims Compensation Board

Chairman O'Neal opened the hearing on **HB 2879 - fee increase authority for county law libraries.**

Lee Woodard, Sedgwick County Law Center, appeared in support of the proposed bill which would increase the docket fees by \$4.00. They do not intend to immediately use the total amount collected from the increase but wanted to have cash in reserve to meet the rising costs of the future and not have to come back anytime soon to the Legislature to request another increase. (Attachment 1)

Jim Clark, Kansas Bar Association, appeared before the committee and explained that while they generally do not support increases in docket fees they do support the proposed increase because the law library fees have not been increased since 1988. (Attachment 2)

The committee expressed concern about increasing docket fees to support law libraries and wondered why the Supreme Court couldn't just impose an emergency surcharge to fund them or provided for an increase in the library usage fee.

Written testimony in support of the bill was provided by Newman University (Attachment 3) and Woodard, Hernandez, Roth & Day (Attachment 4)

The hearing on **HB 2879** was closed.

HB 2916 - driving privileges, DUI; ignition interlock, proof of installation

Pete Bodyk, Kansas Department of Transportation, Bureau Chief of Traffic Safety, provided the committee with an amendment to the bill that would keep Kansas in compliance with the Federal regulations and not lose funding. The amendment would replace language on page 5, line 33 and page 7, line 22 to ensure that a person would receive a suspended license for a period of one year and at the end of the suspension they would be restricted to driving a vehicle equipped with an ignition interlock device. Proof of the installation must be provided to the division before the person's driving privileges would be fully reinstated. (Attachment 5)

Representative Pauls made the motion to adopt the proposed amendment. Representative Hutchins seconded the motion. The motion carried.

Representative Kinzer made the motion to have staff do a technical amendment on page 2, line 15 to read "not less than one year". Representative Owens seconded the motion. The motion carried.

Representative Kinzer made the motion to report **HB 2916** favorably for passage, as amended. Representative Hutchins seconded the motion. The motion carried.

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HB 2748 - traffic violation; failing to report a accident

Representative Hutchins made the motion to report HB 2784 favorably for passage. Representative Kelley seconded the motion.

Committee discussion focused on the penalty provision for an occupant when an occupant fails to report the traffic violation. Representative Loyd made the motion to have that provision apply to anyone over 18 years of age. Representative Hutchins seconded the motion. The motion carried.

Representative Hutchins made the motion to report HB 2784 favorably for passage, as amended. Representative Kinzer seconded the motion.

Representative Kiegerl made a substitute motion to strike on page 1, line 40 "breaks of bones". Representative Watkins seconded the motion. Several members of the committee pointed out that bone fractures and bone breaks are medically two different things. With the permission of the seconded representative Kiegerl withdrew his motion.

The motion to report carried.

HB 2761 - crime victims compensation; reasons compensation reduced or denied

Representative Kinzer made the motion to report HB 2761 favorably for passage. Representative Hutchins seconded the motion.

The committee received a request that would amend in the provisions of **HB 2911- crime victims compensation; victim includes a person who had a significant relationship with someone who committed suicide.** (Attachment 6)

Frank Henderson, Crime Victims Compensation Board, appeared in opposition to the request because it would provide a new definition for the term victims and would open the door to any other horrendous death, such as drowning, fires, and motor vehicle accidents. He was also concerned that the expenditure would not be matchable under the Department of Justice Department of Fund. Currently, there are no states that provide compensation for survivors of suicide.

Representative's Kinzer motion to report favorably carried.

HB 2701 - definition of drug paraphernalia

Representative Owens made the motion to report HB 2701 favorably for passage. Representative Garcia seconded the motion. The motion carried.

HB 2893 - criminal offenders in custody, health care costs

Representative Loyd made the motion to adopt the balloon provided by the Kansas Medical Society. (Attachment 7) Representative Owens seconded the motion. The motion carried.

The Kansas Hospital Association provided a balloon at the meeting on February 21, 2006. The Chairman divided the balloon into two parts:

A. Balloon minus the prompt pay provisions. Representative Watkins made the motion to adopt those provisions. Representative Garcia seconded the motion. The motion carried.

B. 30 day prompt pay provisions. Committee members expressed concern with the short turn-around period requiring payment and therefore no motion was made.

The Kansas Association of Osteopathic Medicine requested an amendment at the meeting on February 21, 2006. Representative Pauls made the motion to adopt the proposed amendment. Representative Loyd

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seconded the motion. The motion carried.

Representative Loyd made the motion to report **HB 2893** favorably for passage, as amended. Representative Owens seconded the motion. The motion carried.

HB 2706 - person who is in arrearages on child support may have drivers license suspended

Representative Ward provided the committee with a proposed balloon which would allow a judge to order the division of motor vehicle to suspend an individuals drivers license if one is two months behind in child support payments. (Attachment 8) He moved the adoption of the balloon. Representative Owens seconded the motion. The motion carried.

Representative Ward made the motion to report **Substitute for HB 2706** favorably for passage. Representative Garcia seconded the motion. The motion carried.

The committee meeting adjourned at 5:15p.m. The next meeting was scheduled for 3:30 p.m. March 1, 2006 in room 313-S.